

MEETING SUMMARY REPORT

Dick Cheney Federal Building
100 E. B Street, Room 4221
Casper, Wyoming 82602
July 27, 2005

Regulatory Enforcement Fairness Hearing

Total attendance:	27	
Congressional attendance	04	
RegFair Board in attendance	04	
SBA personnel	05	
Media	01	
Public	01	
Agencies attending	06	IRS Tax Payer Advocate Service (1 person); IRS (1 person); DOL/ (1 person from DC); DOL/Wage & Hour (2 persons); Wyoming DEQ (1 person); DOL/OSHA (1 person)
No. of comments	05	

Small Business Organizations	Point of Contact	Membership / Represented
Wyoming SBDC	Leonard Holler	1200
Wyoming Lodging & Restaurant Assoc.	Lynn Birleffi, Ex. Dir.	200
Wyoming Retail Merchants Assoc.	Lynn Birleffi, Pres.	250
Wyoming Travel Industry Coalition	Darren Rudloff, Pres.	75
Wyoming State Liquor Association	Lynn Birleffi, Pres.	200
Wyoming Mining Association	Marion Loomis, Ex. Dir.	140
Wyoming Business Alliance	Bill Shilling, Pres.	500
Wyoming Bankers Association	Dave Johnson, Ex. Dir.	100
Wyoming Automobile Dealers Assoc.	Jeff Freeman, Ex. V.P.	65

Wyoming County Commissioner's Assoc.	Joe Evans, Ex. Dir.	23
Wyoming Society of CPA's	Renee Brower, Ex. Dir	500
Mountains & Plains Bookseller's	info@mountainsplains.org	250
Wyoming Funeral Directors Assoc.	Curtis Rostad, Ex. Dir.	27
Northern Arapaho Business Council	Burton Hutchinson, Chairman	7400
Shoshone Business Council	Ivan Posey, Chairman	4200
Town of La Barge	P.O. Box 327, La Barge, WY	500
City of Newcastle	10 West Warwick, Newcastle, WY	3000
Town of Albin	P.O. Box 188, Albin, WY	120
Town of Guernsey	81 West Whalen, Guernsey, WY	1100
Lander Chamber of Commerce	Jackie Meeker, Dir.	325
Cody Chamber of Commerce	Gene Bryan, Ex. Dir.	630
Casper Chamber of Commerce	Lori Becker, Ex. Dir.	900
Riverton Chamber of Commerce	William Maxell, Ex. Dir.	380
Laramie Chamber of Commerce	Eirin Grimes, Ex. Dir.	520
Dubois Chamber of Commerce	Dorothea Stewart, Ex. Dir.	120
Thermopolis Chamber of Commerce	thercc@rtconnect.net	230
Worland Ten Sleep Chamber of Commerce	Mike Willard	230
Powell Valley Chamber of Commerce	Sharon Earhart	220
Jackson Hole Chamber of Commerce	Steve Duerr	800
Cheyenne Chamber of Commerce	Larry Atwell, C.C.E.	950
Buffalo Chamber of Commerce	buffalochamber@wyoming.com	247

Evanston Chamber of Commerce	Bonnie Straw, Pres.	298
Douglas Chamber of Commerce	Gary Hurt	175
Greybull Chamber of Commerce	chamber@greybull.org	70
Green River Chamber of Commerce	Janet Hartford	260
Sheridan County Chamber of Commerce	Melissa Butcher	510
Lovell Chamber of Commerce	Susanne Winterhowler	100
Rock Springs Chamber of Commerce	Dave Hanks	550
Campbell County Chamber of Commerce	Brenda Boss, Pres.	500
Kemmerer Diamondville Chamber of Commerce	Teri chamber@hamsfork.net	84
Sundance Chamber of Commerce	Helen Emerik	40
Torrington Chamber of Commerce	Dick Fullmer	290
Bridger Valley Chamber of Commerce	Chuck James	75
Manufacturing Works	Carol Strark	110
Wyoming Economic Dev. Assoc.	Paula McCormick	5160
City of Casper	Robin Mundell	50,000
Wind River Development Fund	Lisa Wagner	20
Wyoming Business Council, State of Wyoming	Steve Elledge	7800
Total Represented		91,214

SUMMARY:

Witnesses:

1. Mr. Leonard Holler – Wyoming SBDC, Casper, Wyoming

Mr. Leonard testified in opposition to closing of IRS Service Centers in rural Wyoming. The closing of the Service Centers and substitution of internet sites eliminates a valuable service to taxpayers in rural Wyoming that do not have internet access.

2. Mr. Rick Roach – Absaroka Bikefitters, Cody, Wyoming

Mr. Roach testified about efforts to obtain a commercial recreational guide permit from the Shoshone National Forest near Cody, Wyoming. Mr. Roach submitted an application to the National Forest (USDA) in 2001 and no action has been taken on his application. Mr. Roach is seeking a permit to guide people on bicycle and backpacking trips in the National Forest. Most of the permits issued by the Shoshone National Forest are for hunting and fishing guides. Mr. Roach claimed there are no permits issued in the Shoshone National Forest for guides to conduct bicycling and back packing tours. Mr. Roach testified that other National Forests have issued the type of permit he seeks, but not the Shoshone National Forest. Mr. Roach read a letter from the Shoshone National Forest which stated that they thought his request had potential, but the Shoshone National Forest did not have the time, money and personnel to process his request.

3. Mr. Aaron Mulkey – Core Mountain Sports, Cody, Wyoming

Mr. Mulkey testified about his efforts to obtain a commercial recreation guide permit from the Shoshone National Forest near Cody, Wyoming. Mr. Roach wants a permit to conduct Kayaking and rafting trips on the North Fork of the Shoshone River in the Shoshone National Forest. Mr. Mulkey testified that only one guide has a permit to conduct float trips on the river. Mr. Mulkey testified he was told by the National Forest Officials to partner with someone who had a permit, which he did. However this resulted in duplication in areas such as liability insurance and Mr. Mulkey had to give the permit holder a percentage of his fees.

The permit holder he partnered with had a permit to guide people fishing the river. Mr. Mulkey testified he was told it was ok to work under the permit if there was a fishing pole in the watercraft. The other guide with a permit to conduct float trips complained to the National Forest and Mr. Mulkey was told he could no longer work under the other outfitter's permit. Mr. Mulkey testified there was a need for additional float trips on the Shoshone River, but, like Mr. Roach, was told that the Shoshone National Forest did not have the time, personnel or money to process new permits.

4. Mr. Kenny Gasch, Jackson Hole Mountain Guides, Cody, Wyoming.

Mr. Kenny Gasch testified about his efforts to obtain a permit to conduct ice climbing and backpacking tours on the Shoshone National Forest. Mr. Gasch works for Jackson Hole Mountain Guides, but also wants to obtain his own commercial recreational permit to conduct ice climbing tours on the Shoshone National Forest. Mr. Gasch encountered the same problems when dealing with the Shoshone National forest as have Mr. Roach and Mr. Mulkey. MR. Gasch testified that there are no guides licensed to conduct ice climbing tours in the Shoshone National Forest. Mr. Gasch met the same resistance as Mr. Roach and Mr. Mulkey and was also told the Shone National Forest did not have the time, personnel or money to conduct the necessary studies to evaluate the need for additional permits. Mr. Gasch testified that he attended one meeting at which the National Forest personnel said that the necessary studies would cost up to \$10,000. One of the other permit applicants at the meet volunteered to pay for the necessary stu0dies. Nothing has yet been done. Mr. Gasch testified the Shoshone National Forest is one of the premier ice climbing areas in the country. He testified that economic development is being restrained in the Cody area because the Shoshone National Forest has not kept up with the shift from hunting and fishing to newer outdoor activities such as ice climbing, rock climbing, backpacking, kayaking, and rafting. He testified that diversification of recreational uses of the Shoshone National Forest would generate more tourism and therefore more jobs for the area. Mr. Gasch testified that he has turned in two out of state guides that brought clients into the Shoshone National Forest and conducted tours without permits. The National Forest did not take any action against the illegal guides. Mr. Gasch testified the Shoshone National Forest expressed concerns about ice and rock climbing on the local mountain sheep population. Mr. Gasch testified that a nationally recognized expert on mountain sheep wrote a letter to the Shone National Forest stating that ice climbing activities would have little or no impact on mountain sheep populations. Mr. Gasch testified that he is extremely frustrated with the inaction of the

Shoshone National Forest, especially since similar studies and permits have been issued in other National Forests.

5. Ms. Donna Messerli, I-reach 2, Inc., Casper, Wyoming.

Ms. Messerli testified that she had been assessed penalties and interest for failing to timely file payroll tax withholdings. Her company unknowingly crossed a \$50,000 per month threshold that triggered a requirement to file payroll withholding taxes in a shorter time frame. Ms. Messerli's accountant also did not realize the threshold had been crossed and the shorter filing time had been triggered. She did not learn of the February oversight until notified by the IRS in June. By June her company had incurred additional interest. The penalty and interest amounted to approximately \$5,000. Ms. Messerli did not think it was fair to have been assessed a penalty for unwittingly missing an obscure requirement. She also thought there should be a waiver for a first time infraction.

Ms. Messerli also testified that her company is a health care provider that receives most of its income from government payments. She testified that it can take several weeks and sometimes months to get paid. She testified that her small company does not have the resources to carry the debt necessary to meet overhead costs while waiting for payment from the government. She thought it was ironic that the IRS was assessing penalty and interest for late payments, but she had no ability to assess interest against the government for late payments.

Board Chairman, James Larsen, was familiar with the problems of receiving timely government payments and discussed the issues with Ms. Messerli. Board member Brenda Mosher also works in the health care area and commented on the problem of receiving timely payments.

While not related to federal agency activity, Ms. Messerli commented on rising health insurance costs and the significant impact that high health insurance costs have on small businesses. She testified her company's health insurance premiums have risen 25% for each of the last several years. Ms. Messerli recently received a double lung transplant.